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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/714,283	11/17/2000	Kenya Uomori	0819.458	5525

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WASHINGTON, DC 20005-3096

EXAMINER

GOOD JOHNSON, MOTILEWA

ART UNIT	PAPER NUMBER
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2672

DATE MAILED: 12/15/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/714,283

Applicant(s)

UOMORI ET AL.

Examiner

Motilewa A. Good-Johnson

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 21-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 21-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9, 10. 6) ☐ Other: _____

DETAILED ACTION

1. This office action is responsive to the following communications: Application, filed 11/17/2000; IDS, paper #3, filed 06/24/2002; IDS, paper #9, filed 06/25/2003; IDS, paper #10, filed 09/02/2003; Amendment A, filed 08/21/2003.

This action is made non-final.

2. Claims 1-20 are pending in this application. Claims 1, 10 and 18-20 are independent claims. Claims 1-18 were elected.

3. The present title of this application is "Image Processor, Method of Providing Image Processing Services and Order Processing Method" (as originally filed).

Election/Restrictions

4. Applicant's election of Group I claims 1-18 in Paper No. 5 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

5. Claims 19 and 20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 5.

Priority

6. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Totsuka et al., U.S. Patent Number 6,262,763 B1, "Actual Size Image Display", class 348/135, 07/17/2001, filed 07/01/1999.

As per independent claim 1, an image processor comprising: a display which presents an image of an object thereon; (Totsuka discloses enabling the display of an image, col. 1, line 56) and an image synthesizer which generates a scale image, representing a substantially real size, at a position specified on the image presented on the display in accordance with three-dimensional positional information . . . (Totsuka discloses a device which produces an actual size signal representative of an actual size of an object in accordance with the image size information, col. 2, lines 1-13) wherein a synthesized image, obtained by combining the scale image with the object image, is presented on the display. (Totsuka discloses the image size information is used with the actual size information to enable the image displayed in actual size, col. 2, lines 9-13)

With respect to dependent claim 2, an imaging section which captures the object image containing the three-dimensional positional information; (Totsuka discloses the video camera captures an image and determines the size information, col. 2, lines 56-63) and a range image generator which draws the three-dimensional positional information from the image captured . . . image synthesizer generates the scale image in accordance with the three-dimensional positional information . . . (Totsuka discloses the an actual size reproduction mode in which signals along with the screen size information and image size information produce actual size video signals to display the image in actual size, col. 3, lines 1-19)

With respect to dependent claim 3, imaging section comprises a light-emitting device that projects light with a predetermined radiation pattern on the object and captures the object image containing the three-dimensional positional information by receiving part of the light . . . (Totsuka discloses projecting light towards a subject and determine the distance to the subject to calculate the dimensions of the scene, col. 4, lines 25-39)

With respect to dependent claim 4, further comprising an imaging section having an automation or manual focusing controller, wherein the image synthesizer generates the scale image by using data, which represents a distance of the object . . . obtained by the automatic or manual focusing . . . (Totsuka discloses automatic focusing and representing a display to the subject, col. 4, lines 25-34)

With respect to dependent claim 5, the scale image represents a shape of a ruler. (Totsuka discloses the object may be any selected image, col. 8, lines 54-57)

With respect to dependent claim 6, an input device that is so constructed as to allow a user to externally input the specified position. (Totsuka disclose the viewer may manually input information by use of an user input device, col. 4, lines 63-65)

With respect to dependent claim 7, input device is a touch panel formed on the surface of the display. (Totsuka discloses the actual size mode is activated by a button, key, or the like on a display device, col. 9, lines 34-37, it is well known in the art that a touch panel is an activation on a display device)

With respect to dependent claim 8, input device is a pen like pointing device that is so constructed as to allow the user to specify arbitrary coordinates on the surface of the display. (Totsuka discloses the user may manually input information by use of a user input device, col. 4, lines 63-65)

With respect to dependent claim 9, input device is a cursor key, mouse or press button that allows the user to move a cursor presented on the display . . . (Totsuka discloses the user may select using cursor keys, col. 3, lines 37-38)

As per independent claim 10 and dependent claims 13, they are rejected based upon similar rational as above independent claim 1 and dependent claim 2 respectively.

With respect to dependent claim 11, image synthesizer combines the image of one of the objects . . . with another background image. (Totsuka discloses the actual size information may be separately associated or combined with the relevant image or information within the scene, col. 6, lines 24-27)

With respect to dependent claim 12, image synthesizer cuts out an image portion, which is made up of pixels at respective locations . . . as the separated object

image . . . (Totsuka discloses the actual size information may be separately associated or combined with the relevant image or information within the scene, col. 6, lines 24-27)

With respect to dependent claims 14 and 15, they are rejected based upon similar rational as above dependent claims 3 and 4.

With respect to dependent claim 16, image synthesizer is so constructed as to upscale, downscale or rotate at least one of the images. (Totsuka discloses the image may be magnified or reduced during the actual size mode, col. 5, lines 14-22)

With respect to dependent claim 17, processor . . . constructed as to allow a user to externally defined or change relative positions of the images being combined. (Totsuka discloses the user may desire to center the object and allow the zoom/pan unit to alter the position of the object on the display screen, col. 7, lines 46-56)

As per independent claim 18, an image processor comprising: a display for presenting an image of an object thereon and an image synthesizer for generating an image, (Totsuka discloses a display unit having a display screen, col. 2, lines 19-20) representing the object substantially in its real size when presented on the display, (Totsuka discloses receiving screen size information and producing an actual size signal representative of an actual size of a desired object in accordance with the display unit, col. 2, lines 22-30) by scaling the image up or down in accordance with three-dimensional positional information . . . (Totsuka discloses the image may be reduced or magnified during the actual size mode, col. 5, lines 1-22)

With respect to dependent claim 21 and 22, the image synthesizer calculates the real size of the object based on the image of the object. (Totsuka discloses a device,

which produces an actual size signal representative of an actual size of an object in accordance with the image size information, col. 2, lines 1-13)

As per independent claim 23, it is rejected based upon similar rational as independent claim 1. Totsuka further discloses a number of images, col. 2, line 6)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Motilewa A. Good-Johnson whose telephone number is (703) 305-3939. The examiner can normally be reached on Monday - Friday 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Razavi can be reached on (703) 305-4713. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

Motilewa A. Good-Johnson
Examiner
Art Unit 2672

Mgj
December 10, 2003



MICHAEL RAZAVI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600